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August 9, 2024

Via ECF

Honorable Taryn A. Merkyl
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Korey Watson v. City of New York, et al.*,
22-CV-02746 (LDH) (TAM)

Your Honor:

I am a Senior Counsel in the Office of Muriel Goode-Trufant, Acting Corporation Counsel of the City of New York, and the attorney assigned to the defense of the above-referenced matter. Defendant City respectfully requests that the Court (1) grant an extension of time from August 9, 2024 until August 19, 2024 to answer or otherwise respond to the Amended Complaint and (2) *sua sponte* grant a similar extension of time on behalf of defendants Kern Proherbs and Sabrina Duncan. *See* Civil Docket Entry No. 24. Plaintiff's counsel consents to this request. This is the second request for such an extension.

By way of background, plaintiff alleges that, on September 7, 2022, he appeared at the Human Resources Administration office, as instructed, at 275 Bergen St., to resolve issues with his benefits when he was stabbed with a boxcutter by another individual in line for services. *See* ECF No. 1. Plaintiff alleges, *inter alia*, that defendants City of New York, FJC security, and John and Jane Doe FJC Security officers violated his both his state and federal constitutional rights, and brings additional state law claims including a claim for negligent hiring and training. *Id.* On May 29, 2024 Plaintiff filed an amended complaint adding seven John Doe defendants¹ as parties in this action. *See* Civil Docket Entry No. 18. On July 9, 2024, the parties appeared for a conference during which the Court set an August 9, 2024 deadline to answer or otherwise respond to the Amended Complaint and warned all defendants, who had not yet filed their answer, that the Court would not look favorably upon further requests for extensions. *See* Civil Docket Entry No. 24.

¹ The individually named defendants are Sabrina Dunca, Ashley Johnson, Kern Proherbs, Natasia Lyles, Tamika Jenkins, Patricia Robinson, and Sean Williams. *See* Civil Docket Entry No. 18.

The undersigned regrets making this request. Since the conference, the undersigned has had to take some time to attend to an ongoing family situation. Unfortunately, on Wednesday, a parent of the undersigned was unexpectedly hospitalized, and the situation remains uncertain. As such, the undersigned seeks a brief extension of time until August 19, 2024 so that defendant City can answer or otherwise respond to the Amended Complaint in accordance with their obligations under F.C.R.P. Rule 11 and so that the undersigned may resolve representation pursuant as to the individually named defendants pursuant to the General Municipal Law. *See* General Municipal Law § 50(k); *Mercurio v. City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985); *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law).

Accordingly, and with Plaintiff's consent, the undersigned respectfully, and regretfully, requests that the Court (1) grant an extension of time from August 9, 2024 until August 19, 2024 to answer or otherwise respond to the Amended Complaint and (2) *sua sponte* grant a similar extension of time on behalf of defendants Kern Proherbs and Sabrina Duncan.

Thank you for your consideration herein.

Respectfully submitted,

KellyAnne Holohan /s/

KellyAnne Holohan
Senior Counsel

cc: **Via ECF**
All counsel of record